

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ALIREZA BAKHTIARI,

Plaintiff,

v.

J. WALTON, UNITED STATES of
AMERICA, M. WINKLMEIER, M.
BAGWELL, D. SZOKE, L. DUNCAN, J.
BAGWELL, and R. STRAUSS,

Defendants.

Case No. 13-cv-906-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on a motion to intervene and for status filed by Thomas M. Smith (Doc. 52). The Court dismissed this case filed by plaintiff Alireza Bakhtiari for injunctive relief and entered judgment of dismissal without prejudice on February 10, 2014 (Docs. 44 & 45). The time for appealing the Court's judgment has passed. Smith seeks to intervene because he believes he will be subject to the same objectionable conduct about which Bakhtiari complained in this case.

Federal Rule of Civil Procedure 24(a) provides for intervention of right to any person who "is given an unconditional right to intervene by a federal statute" or who has an interest in the subject matter of the action and needs to participate in the litigation to protect that interest. On the other hand, Federal Rule of Civil Procedure 24(b) provides for permissive intervention by anyone who "(A) is given a conditional right to intervene by a federal statute; or (B) has a claim or defense that shares with the main action a common question of law or fact."

As a preliminary matter, the Court notes that this case is over and there is nothing more to be done or decided. There is no live proceeding in which Smith can intervene. More

importantly, he has not cited any statutory authority either requiring or permitting intervention, and he has not demonstrated he needs to participate in this terminated action to protect his rights. Neither has he pointed to any common question of law or fact he shares with this closed case. Accordingly, intervention is not warranted.

For this reason, the Court **DENIES** Smith's motion to intervene and for status (Doc. 52). The Clerk of Court is **DIRECTED** to send a copy of this order to Smith and to terminate him from this case.

IT IS SO ORDERED.
DATED: June 9, 2014

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE